

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GRG VENTURES, LLC,

Plaintiff,

v.

DBEC, LLC,

Defendant.

Case No. 1:18-cv-755

HON. JANET T. NEFF

**ORDER**

Plaintiff filed this trademark infringement case on July 9, 2018. On September 11, 2018, this Court ordered Defendant to secure counsel to appear on its behalf and to file an answer or responsive pleading to the Complaint (Order, ECF No. 12). Defendant failed to do so. On October 8, 2018, Plaintiff applied for entry of default against Defendant (ECF No. 13), and default was entered as to Defendant on October 10, 2018 (ECF No. 17). On October 30, 2018, Plaintiff filed a Motion for Entry of Default Judgment Against DBEC, LLC (ECF No. 21). Counsel for Defendant filed an appearance on November 26, 2018. On November 27, 2018, Defendant filed a Pre-Motion Conference Request (ECF No. 29), proposing to file a motion to dismiss under FED. R. CIV. P. 12(b)(6) for failure to state a claim. However, as Plaintiff points out in its response in opposition (ECF No. 30 at PageID.153), a motion under Rule 12(b) “must be made before pleading,” FED. R. CIV. P. 12(b), and here, a default against Defendant is in place. Therefore,

**IT IS HEREBY ORDERED** that Defendant’s Pre-Motion Conference Request (ECF No. 29) is DENIED.

**IT IS FURTHER ORDERED** that Defendant shall, not later than December 18, 2018, show cause, in writing, why this Court should not proceed with deciding Plaintiff's Motion for Entry of Default Judgment Against DBEC, LLC (ECF No. 21).

Dated: December 4, 2018

/s/ Janet T. Neff  
JANET T. NEFF  
United States District Judge